

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH CREIGHTON,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE DEAN ROBERTS (Shield No. 05861), DETECTIVE GLENN GODINO (Shield No. 2756), POLICE OFFICERS JOHN DOES 1-10 (names being fictitious and presently unknown and intended to be employees of the NYPD who were involved in Plaintiff's arrest, detention, imprisonment, and/or prosecution), DISTRICT ATTORNEY ROBERT T. JOHNSON, ASSISTANT DISTRICT ATTORNEY BRUCE BIRNS A/K/A BURNS, ASSISTANT DISTRICT ATTORNEY ED TALTY a/k/a ED TULTY and ASSISTANT DISTRICT ATTORNEY MICHAEL COOPER,

Defendants.
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**SUGGESTION OF DEATH
UPON THE RECORD
PURSUANT TO FRCP
25(A)(1)**

1:12-cv-07454-PGG-DCF

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/12/16
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PLEASE TAKE NOTICE that defendants City of New York, Detective Dean Roberts, Detective Glenn Godino, District Attorney Robert T. Johnson, and Assistant District Attorney Bruce Birns, by their attorney, Zachary W. Carter, Corporation Counsel of the City of New York, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, respectfully submit as follows:

Upon information and belief, defendant Assistant District Attorney Ed Talty, who is identified in the caption of the amended complaint as "Assistant District Attorney Ed Talty a/k/a Ed Tulty," died in July of 2016.

WHEREFORE, pursuant to Rule 25 of the Federal Rules of Civil Procedure, defendants suggest upon the record that the individually named defendant Ed Talty is deceased, and that any motion for substitution of a proper party be timely made within ninety days of this date.

Dated: New York, New York

September 9, 2016

ZACHARY W. CARTER
Corporation Counsel of the
City of New York
Attorney for Defendants
100 Church Street
New York, New York 10007
(212) 356-2351

By: *Kavin Thadani*
Kavin Thadani
Senior Counsel

cc: Richard Gross, Esq. (by ECF and mail)
Michael Jaffe, Esq. (by ECF only)
Attorneys for Plaintiff

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

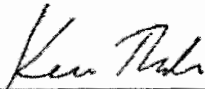
Dated: Sept. 12, 2016

DECLARATION OF SERVICE BY MAIL

I, KAVIN THADANI, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on September 9, 2016, I caused to be served the annexed Suggestion of Death upon the following counsel of record by depositing a copy of same, enclosed in a priority mail postpaid properly addressed wrapper, in a post office/official depository at 100 Church Street, in the Borough of Manhattan, City of New York, directed to said attorney at the address set forth below, being the address designated by said attorney for that purpose:

Richard A. Gross
Rubert & Gross, P.C.
150 Broadway, Suite 712
New York, NY 10038

Dated: New York, New York
September 9, 2016



KAVIN THADANI

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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
KENNETH CREIGHTON, Plaintiff, -against- THE CITY OF NEW YORK, et al., Defendants.
SUGGESTION OF DEATH UPON THE RECORD PURSUANT TO FRCP 25(a)(1)
ZACHARY W. CARTER <i>Corporation Counsel of the City of New York</i> <i>Attorney for Defendants</i> <i>100 Church Street</i> <i>New York, NY 10007</i> <i>Of Counsel. Kevin Thadani</i> <i>Tel. (212) 356-2351</i>
<i>Due and timely service is hereby admitted.</i> <i>New York, N.Y., 2016.</i> <i>..... Esq.</i> <i>Attorney for.....</i>